



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, California 94105

INSERT DATE - DRAFT 2-20-2018 –LL-TB-JC-BF-YS

Laura Duchnak, Director
Base Realignment and Closure Program Management Office
U.S. Department of Navy
33000 Nixie Way
San Diego CA 92147

Dear Ms. Duchnak:

The U.S. Environmental Protection Agency (EPA) is reviewing the Navy's draft final *Parcel G Removal Site Evaluation Work Plan, Former Hunters Point Naval Shipyard (Site)*, San Francisco, California, November 2, 2018, (*Work Plan*) and the Navy's draft *Five-Year Review* for this Site, July 9, 2018. The Navy leads the Superfund cleanup efforts at this site, under EPA oversight. The Site needs this *Work Plan* due to a highly unusual and serious situation regarding data falsification by a Navy contractor. We are committed to protecting public health and the environment. We and the public want answers as soon as possible about the nature and extent of potential radiological contamination at the Site. To earn public trust, EPA Regional Administrator Michael Stoker committed to Speaker of the House Nancy Pelosi that EPA will promote, to the full extent we are able, that the retesting and cleanup must proceed with full transparency by all agencies. Therefore, we propose the path forward described below.

Five-Year Reviews are required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at all Superfund sites, public and private, where hazardous waste is left in place. They are an important, routine process to assess whether current remedies and remedial goals documented in the Records of Decision (RODs) still protect human health and the environment. EPA's Preliminary Remediation Goal (PRG) Calculator is a method to assess radiation remediation goals that is scientifically sound and consistent with long-established CERCLA approaches. Since March 2018, EPA has proposed, multiple times in staff conversations and in writing, that the Navy's *Five-Year Review* include PRG Calculator assessments for different aspects of the Site: 1) soil, 2) buildings (demolition, industrial, or commercial scenario), and 3) buildings (residential scenario). EPA believes we are close to tentative agreement with the Navy about its draft PRG Calculator conclusions for the first two aspects.

The PRG Calculator assessment for buildings (residential scenario), however, is more complex. We recommend that the Navy's *Five-Year Review* include a plan for further analysis of this aspect that will appear in a future draft *Five-Year Review Addendum*, to be issued for public comment. In addition, EPA and the Navy should engage with the City of San Francisco and the State of California to discuss their policies that create challenges to testing and cleanup of buildings in an efficient manner that protects public health.

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Meanwhile, EPA recommends the Navy move forward and issue a revised draft *Five-Year Review* for public comment. This revision should include draft PRG Calculator assessments for soil and buildings (demolition, industrial, or commercial scenario). The draft PRG calculations should also include explanations of Site-specific inputs (such as enforceable controls on future uses of land and buildings).

Agreement on the PRG Calculator is a crucial step in moving forward with field work described in the *Work Plan*, because the conclusions of the PRG Calculator assessment impact the sensitivity of the radiological testing needed for the field work and impact what radiation levels trigger cleanup. While waiting for public comment on the revised draft final *Five-Year Review*, the Navy can incorporate forthcoming EPA technical clarifications on the *Work Plan*, and EPA can consider partial conditional approval of the *Work Plan* to begin soil reference background testing. Then, once the final *Five-Year Review* is complete, including PRG calculations for soil and buildings (demolition, industrial, or commercial scenario), EPA can consider partial conditional approval of the next portion of the *Work Plan* to begin field testing of soil in trenches and building sites. Finally, while the Navy implements the soil testing, it can simultaneously draft for public comment the *Five-Year Review Addendum* on the buildings (residential scenario). Once that process is complete, EPA can then give full approval of the *Work Plan* to begin testing of buildings.

EPA understands that redeveloping Parcel G is a key priority for the City of San Francisco. We are focusing considerable resources to work with the Navy to begin field work as soon as possible. Because the soil testing is scheduled to take longer than testing the buildings, we do not expect that the requested *Five-Year Review Addendum* to address buildings (residential scenario) would delay the overall schedule to retest and clean up the Site for transfer Parcel G to the City for redevelopment.

The above path forward would create a transparent process and public involvement while efficiently moving forward with field work. EPA will continue working with the Navy and our State of California regulatory partners to ensure protectiveness, transparency, accountability, and substantive public involvement. Please contact me if you wish to discuss these issues further.

Sincerely,

Enrique Manzanilla
Director, Superfund Division

cc: Michael Stoker, Regional Administrator, EPA
Mohsen Nazemi, California Department of Toxic Substances Control
Anthony Chu, California Department of Public Health
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